

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

★ AUG 14 2014 ★

BROOKLYN OFFICE

Mario Valdiviezo

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

The City of New York

Det. William Greer

66 Precinct

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No  
(check one)

ORIGINAL  
4897

CV 14

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see-attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

BLOOM, M.J.

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Mario Valdiviezo  
ID # 141-13-02680  
Current Institution G.R.U.C.  
Address 09-09 HAZEN ST  
East Elmhurst, NY 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name The City of New York Shield # \_\_\_\_\_  
Where Currently Employed \_\_\_\_\_  
Address \_\_\_\_\_

ORIGINAL

BLOOM, W.J.

Defendant No. 2 Name William Greer Shield # 1902  
 Where Currently Employed 66 Precinct  
 Address 5822 16 Ave  
Brooklyn, NY 11218

Defendant No. 3 Name 66 Precinct Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address 5822 16 Ave  
Brooklyn, NY 11218

Defendant No. 4 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_

Defendant No. 5 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur?  
My apartment at 6408 New Utrecht Ave apt 3-R
- B. Where in the institution did the events giving rise to your claim(s) occur?  
in the Hallway of my apartment
- C. What date and approximate time did the events giving rise to your claim(s) occur?  
Feb 28, 2013 around 5:45/6:00 PM

D. Facts: I WAS FORCED out my apartment by two detectives, Det William Green and a black male det name unknown and unlawfully SEARCH and ARRESTED with out a WARRANT, and with out Reading my MIRANDA Rights, Violating the 4 amendment of my U.S Constitutional Rights

What happened to you?

Who did what?

Once inside the 66 Precinct I was Denied an Interpreter the I asked due to my lack of English at that time and I was subjected to Racial Discrimination by being call different type of name due to my looks and Nationality violating the New York Constitution Article 1 "Bill of RIGHTS" section 11 [Equal protection of Laws; discrimination in civil rights PROHIBITED]

Was anyone else involved?

Core got Dismissed on July 09-2013 in Favor of the Accused C.P.L 160.50

Who else saw what happened?

now in order to hold me on a different FAISO charge the I am fighting it now, the D.A was Holding documents the it proof the my GIRL was force by detective to state false accusation in order to arrest me. Violating my New York Constitution Article 1 "Bill of RIGHTS" section 12 and the 4 amendment of my U.S Constitution

Statements of Facts

Exhibit

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

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### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☐ No ☒

## Statement of Facts

I on Feb 26, 2013 Due to an Unhealthy and threaten situation between my daughter and my girl at that time as well me also argue with my girl, I was Force to sent my daughter to Florida to live with her Mother.

on my way back from the airport I kindly spoke to my girl and ask her to move out due to the unhealthy relation. She was highly upset and decided to go to the Precint and put in a Complaint about me on Feb 28, 2013. I Wasnt aware about the complaint or what it said.

When I returned from work (no one was home) around 5:30/6:00 PM, Two detectives came and Knock on my door, when I open the door they forced me out my apartment and started to Harass and Search me outside the Hallway.

The Two officers who were at the scene were detective William GREER and a Black Male detective name Unknown while I was being search I ask if they got a Warrant and why is the reason I was been arrested? They refuse to answer me and didnt even read my Miranda rights Violating my rights.

I was taken away my Diamond Earrings, gold Chain (18K), Guess watch (SILVER) and my IPhone 5 (Black color)

I was told by both detectives that I CANT take my belongings to the Precint, they said they were going to leave it INSIDE my apartment and they were going to release me that night, so I could return to my apartment and retrieve my belongings. Which was FALSE information.





II They never released me that Night and I will never know what happen to my belongings. I also Lost my apartment with all my belongings in it; Please be advised that Weeks prior to my arrest I went to the 66th precinct which is located on 5822, 16th Avenue which is a 5 minute walk from my place.

I went there to put a Complaint against my girl I threaten my daughter, Went they were about to take the information and asked me my address, they told me that they cant take the Complaint because that Precinct didn't belong to my area zone, that I was suppose to go to the 62nd precinct which is about an half an hour from my location. Now why is it then the day I was arrested their detectives were from the 66th precinct?

Once inside the precinct they continue to harass me while being Hand Cuffed for hours. They made all types of RACIAL remarks because of my looks, calling me all type of different NATIONALITY. I asked for Someone who can translate and they also denied me that against my Right. They presented me with a form and told me to signed, Not Knowing how to read properly at that time.

I ask for Food, water, and a bathroom and I was REFUSED All; which they claim that I stating that I didnt want any of the stuff that I was offer.

I was never giving a reason or showing a Warrant why I was arrested.







III I Come to find out about these charges on March 1, 2013 from the legal Aid.

Now on APRIL 2014. I was giving some documents from my Lawyer giving by the D.A, on which one of those papers is Sign and dated by my girl 3-5-13 Delia Hernandez, stating the She was forced by the Detective in order to hold me on a charge, document the I had never seen before or giving durant the whole process, Violating my Constitutional Rights.

Case dismissed on July 09-2013 in Favor of the Accused C.P.L 160.50



EXHIBIT I

COMPLAINANT'S STATEMENT OF INTENT

People v. \_\_\_\_\_

Docket No. \_\_\_\_\_

Arrest No. \_\_\_\_\_

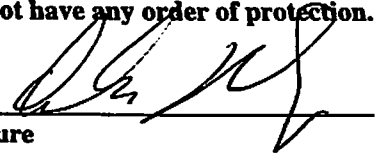
My name is Delia Hernandez  
 and I am the complainant in the above mentioned case. I do not wish to press  
 charges against Marin Valdivia  
 who is my Boyfriend  
 because I was forced in to writing that he  
would use it on me by the Delia in order to hold  
Marin on a charge into they can change him with another case.

I have discussed this matter with ADA Marcellus  
 who has informed me of the consequences of this decision. I understand that once  
 this case is dismissed it will be over, and that I will not have any order of protection.

Date

3/5/13

Signature



Mi nombre es \_\_\_\_\_  
 y soy la testigo quejante en el caso que esta mencionado arriba. Yo no deseo  
 continuar adelante con los cargos contra \_\_\_\_\_  
 quien es mi \_\_\_\_\_  
 por el motivo ó por la siguiente razón(es): \_\_\_\_\_

He discutido el caso y esta decision con \_\_\_\_\_  
 quien me ha informado sobre las conscuencia de mi decisión. Es mi entendimiento  
 que los cargos no podran ser reemplazados depues que sean retirados, y entiendo  
 que no tendré ninguna orden de protección después que el caso sea retirado.

Fecha

Firma

when and how, and their response, if any: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Note:** You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. **Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

*Due to the Unlawful arrest, Search  
Without a Warrant, False statement, detain of Proof of  
my innocency by the D.A. Lost of all my belongings,  
lost of Job, Pain and suffering the I had it go through.  
I request monetary Compensation of two Million Dollars*

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VI. **Previous lawsuits:**

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_\_\_ No ☒

On  
these  
claims

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 25 day of July, 2014.

Signature of Plaintiff



Inmate Number

141-13-02680

Institution Address

09-09 Hazen St  
East Elmhurst, NY 11370

**Note:** All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 25 day of July, 2014 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Mario Valdiviezo  
(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

-against-

The City of New York  
Det. William Green  
66 Precinct  
(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

Civ. BLOOM, M.J.

REQUEST TO PROCEED  
IN FORMA PAUPERIS

**CV 14**

**4897**

I, Mario Valdiviezo, (print or type your name) am the plaintiff/petitioner in the above entitled case and I hereby request to proceed *in forma pauperis* and without being required to prepay fees or costs or give security. I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor, and that I believe I am entitled to redress.

1. If you are presently employed:

- a) give the name and address of your employer  
b) state the amount of your earnings per month

N.A.

2. If you are NOT PRESENTLY EMPLOYED:

- a) state the date of start and termination of your last employment  
b) state your earnings per month

YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED.

N.A.

3. Have you received, within the past twelve months, any money from any source? If so, name the source and the amount of money you received.

N.A.

a) Are you receiving any public benefits? ☒ No. ☐ Yes. \$ \_\_\_\_\_

b) Do you receive any income from any other source? ☒ No. ☐ Yes. \$ \_\_\_\_\_

4. Do you have any money, including any money in a checking or savings account? If so, how much?

☒ No. ☐ Yes. \$ \_\_\_\_\_

5. Do you own any apartment, house, or building, stock, bonds, notes, automobiles or other property? If the answer is yes, describe the property and state its approximate value.

☒ No. ☐ Yes. \$ \_\_\_\_\_

6. Do you pay for rent or for a mortgage? If so, how much each month?

☒ No. ☐ Yes. \_\_\_\_\_

7. List the person(s) that you pay money to support and the amount you pay each month.

SASHA Valdiviezo - \$5 \$ per Week (New Jersey)

8. State any special financial circumstances which the Court should consider.

N.A

I understand that the Court shall dismiss this case if I give a false answer to any questions in this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 25 day of July, 2014  
date month year

[Signature]  
Signature



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Mario Valdiviezo  
(in the space above enter the full name(s) of the  
plaintiff(s)/petitioner(s).)

-against-

The City of New York  
Det: William Greer  
66 Precinct

(In the space above enter the full name(s) of the  
defendant(s)/respondent(s).)

I, Mario Valdiviezo, (print or type your name) am a party in  
this case and cannot afford an attorney. I ask the Court to request *pro bono* counsel to represent  
me in this action. I understand that even if the Court grants this application, I will receive  
*pro bono* counsel only if an attorney through Court's *Pro Bono* Program volunteers to take  
my case and that there is no guarantee that an attorney will volunteer to represent me.

1. In support of my application, I provide the following information: (Use additional paper  
if necessary.)

A. Have you asked the Court to request *pro bono* counsel in this case before? If yes,  
when were your prior applications filed and what has changed in the status of  
your case since you last asked the Court to request *pro bono* counsel?

NO

B. Requests for *pro bono* counsel are rarely granted at the early stages of a case and  
usually not before the Court has issued a decision on the merits of the case. What  
has happened in your case that demonstrates the potential merit of your case?

C. Explain why you need an attorney in this case.  
to fight for my rights and to better representation in  
this matter.

D. Explain what steps you have taken to find an attorney and with what results.  
 (Please identify the lawyers, law firms or legal clinics you have contacted and  
 their responses to your requests. If you have limited access to the telephone,  
 mail, or other communication methods, or if you otherwise have had difficulty  
 contacting attorneys, please explain.)

E. If you need an attorney who speaks a language other than English, state what  
 language(s) you speak:

Spanish/English

2. In further support of my application, I declare that (check appropriate box):

☐ I have previously filed a Request to Proceed *In Forma Pauperis* in this case, and it  
 is a true and correct representation of my current financial status.

☒ I have not previously filed a Request to Proceed *In Forma Pauperis* in this case,  
 and now attach an original Request to Proceed *In Forma Pauperis* detailing my  
 financial status.


☐ I have previously filed a Request to Proceed *In Forma Pauperis* in this case,  
 however, my financial status has changed. I have attached another Request to  
 Proceed *In Forma Pauperis* showing my current financial status.

3. I understand that if an attorney volunteers to represent me and that attorney learns that I  
 can afford to pay for an attorney, the attorney may give this information to the Court.

4. I understand that if my answers on this application are false, my case may be dismissed.

5. I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7, 25, 14

  
 Signature



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PRISONER AUTHORIZATION

Case Name: Maris Valdiviezo v. City of New York, William Greer, 66 Precinct  
(Enter the full name of the plaintiff(s)) (Enter the full name of the defendant(s))

Docket No: No. \_\_\_\_\_ Civ. \_\_\_\_\_ ( )  
(Enter the docket number, if available; if filing this with your complaint, you will not have a docket number.)

The Prison Litigation Reform Act ("PLRA" or "Act") amended the *in forma pauperis* statute (28 U.S.C. § 1915) and applies to your case. Under the PLRA, you are required to pay the full filing fee when bringing a civil action if you are currently incarcerated or detained at any facility. If you do not have sufficient funds in your prison account at the time your action is filed, the Court must assess and collect payments until the entire filing fee of \$350.00 has been paid, no matter what the outcome of the action.

SIGN AND DATE THE FOLLOWING AUTHORIZATION:

I, Maris Valdiviezo (print or type your name), request and authorize the agency holding me in custody to send to the Clerk of the United States District Court for the Southern District of New York, or, if this matter is transferred to another district court, to the Clerk of the transferee court, a certified copy of my prison account statement for the past six months. I further request and authorize the agency holding me in custody to calculate the amounts specified by 28 U.S.C. § 1915(b), to deduct those amounts from my prison trust fund account (or institutional equivalent), and to disburse those amounts to the United States District Court for the Southern District of New York. This authorization shall apply to any agency into whose custody I may be transferred, and to any other district court to which my case may be transferred and by which my poor person application may be decided.

I UNDERSTAND THAT BY SIGNING AND RETURNING THIS NOTICE TO THE COURT, THE ENTIRE COURT FILING FEE OF \$350.00 WILL BE PAID IN INSTALLMENTS BY AUTOMATIC DEDUCTIONS FROM MY PRISON TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED OR EVEN IF I VOLUNTARILY WITHDRAW THE CASE.

July 25 2014  
Date signed

[Signature]  
Signature of Plaintiff  
141-13-02680  
Prisoner I.D. Number  
G.R.V.C.  
Name of current facility